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EXAMINER

TAVERAS, SINITHRO M

ART UNIT PAPER NUMBER

2632

DATE MAILED: 07/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/065,778

**Applicant(s)**

METTS ET AL.

**Examiner**

S. Miguel Taveras

**Art Unit**

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/14/2003</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,636,749 to Holmes et al. (Hereinafter Holmes).
3. Regarding claim 1, Holmes discloses a method for manufacturing, said method comprising: providing a central processing unit (CPU) (102 which can contain an on-board computer which inherently has a CPU) configured for a programmable logic controller (PLC) (110 which can be a PDA, wireless phone or GPS unit) including a PLC module bus (106 or 108; Bluetooth module or a main cord would function as a module bus) for coupling at least one PLC module to the CPU (Col. 2, lines 7-16, Col. 3, lines 48- 65, Col. 4, lines 1-12 and 52-56); providing a means for wireless radio frequency communications; and operationally coupling the means for wireless radio frequency communications to the CPU such that the means and CPU communicate without using the PLC module bus (Col 5, lines 7-10, Fig. 4, Fig. 5 and Fig. 6).
4. Regarding claim 2, Holmes discloses a method according to claim 1 wherein said operationally coupling the means to the CPU comprises mounting the means for wireless radio

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frequency communications (BLUETOOTH®) and the CPU to a CPU card (Col. 4, lines 37-40; using a smart card and Col. 5, lines 2-13)

5. Regarding claim 3, Holmes discloses a method according to claim 1 wherein providing a means for wireless radio frequency communications comprises providing a Bluetooth protocol transmitter/receiver (Col. 2, lines 7-16 and Col. 4, lines 14-25).

6. Regarding claim 4, Holmes discloses a method according to claim 1 wherein providing a means for wireless radio frequency communications comprises providing an IEEE 802.11 protocol transmitter/receiver (Col. 4 lines 37-40).

7. Regarding claim 5, Holmes discloses a method according to claim 1 wherein providing a means for wireless radio frequency communications comprises providing a cellular protocol transmitter/receiver (Col. 4, lines 41-44).

8. Regarding claim 6, Holmes discloses a method according to claim 1 wherein providing a CPU configured for a PLC comprises providing a CPU configured for a PLC comprising a Network Interface Unit (Col. 4, lines 65-67 and Col. 5, lines 1-13; The Bluetooth module and chipset would function as a network interface unit being used to control the wireless communication capabilities).

9. Regarding claim 7, Holmes discloses a method for communicating, said method comprising: providing a wireless communication device (127); and sending a wireless message from the wireless communication device to a programmable logic controller (Col. 5, lines 7-10 and Col. 6, lines 57-65) (PLC) (110 which can be a PDA, wireless phone or GPS unit) having a central processing unit (CPU) (102 which can contain an on-board computer which inherently has a CPU) and a PLC module bus (106 or 108; Bluetooth module or a main cord would function

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as a module bus) for coupling at least one PLC module to the CPU (Col. 2, lines 7-16, Col. 3, lines 48- 65, Col. 4, lines 1-12 and 52-56), the CPU is coupled to a means for wireless radio frequency communications such that the means for wireless radio frequency communications and CPU communicate without using the PLC module bus (Col 5, lines 7-10, Fig. 4, Fig. 5 and Fig. 6).

10. Regarding claim 8, Holmes discloses a method according to claim 7 wherein said sending a wireless message comprises sending a wireless message from the wireless communication device to a programmable logic controller (110 which can be a PDA, wireless phone or GPS unit) (PLC) having a central processing unit (CPU) (102 which can contain an on-board computer which inherently has a CPU) and a PLC module bus (106 or 108; Bluetooth module or a main cord would function as a module bus) for coupling at least one PLC module to the CPU (Col. 2, lines 7-16, Col. 3, lines 48- 65, Col. 4, lines 1-12 and 52-56); (Col. 5, lines 7-10 and Col. 6, lines 57-65), the CPU is coupled to a means for wireless radio frequency communications such that the means for wireless radio frequency communications and CPU communicate without using the PLC module bus (Col 5, lines 7-10, Fig. 4, Fig. 5 and Fig. 6), and the CPU and the means for wireless radio frequency communications are both mounted on a CPU card (Col. 4, lines 37-40; using a smart card and Col. 5, lines 2-13).

11. Regarding claim 9, Holmes discloses a Programmable Logic Controller comprising: a backplane comprising at least one module connector (108); a central processing unit (CPU) card mounted on said backplane (Col. 4, lines 37-40 and Col. 5, lines 2- 13 and Fig. 1); a central processing unit (CPU) mounted on said CPU card (Fig. 1); and a transmitter/receiver mounted on

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said CPU card (Col. 5 lines 2-13; Bluetooth radio on the Bluetooth chipset), said transmitter/receiver operationally coupled to said CPU (Fig. 1).

12. Regarding claim 10, Holmes discloses a PLC according to claim 9 wherein said backplane further comprises a module bus (108) wherein said CPU communicates with a module connected to said backplane via said module connector, said CPU operationally coupled to said transmitter/receiver to communicate there between with out using said module bus (Fig. 4 and Fig 5; Bluetooth module can be on vehicle and wireless phone enabling them to communicate wirelessly).

13. Regarding claim 11, Holmes discloses a PLC according to claim 9 wherein the transmitter/receiver is a Bluetooth protocol transmitter/receiver (Col. 2, lines 7-16 and Col. 4, lines 14-25).

14. Regarding claim 12, Holmes discloses a PLC according to claim 9 wherein the transmitter/receiver is an IEEE 802.11 protocol transmitter/receiver (Col. 4 lines 37-40).

15. Regarding claim 13, Holmes discloses a PLC according to claim 9 wherein the transmitter/receiver is a cellular protocol transmitter/receiver (Col. 4, lines 41-44).

16. Regarding claim 14, Holmes discloses a PLC according to claim 9 wherein said PLC comprises a Network Interface Unit (Col. 4, lines 65-67 and Col. 5, lines 1-13; The Bluetooth module and chipset would function as a network interface unit being used to control the wireless communication capabilities).

17. Regarding claim 15, Holmes discloses an apparatus comprising: a processor; a radio frequency receiver operationally coupled to said processor (Col. 5, lines 7- 10); and a radio frequency transmitter operationally coupled to said processor (Col. 5, lines 2- 5; Bluetooth radio

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on the Bluetooth module), said transmitter is configured to send a wireless message to a programmable logic controller (PLC) (Col. 5, lines 7-10 and Col. 6, lines 57-65) having a central processing unit (CPU) (102 which can contain an on-board computer which inherently has a CPU) and a PLC module bus (106 or 108; Bluetooth module or a main cord would function as a module bus) for coupling at least one PLC module to the CPU (Col. 2, lines 7-16, Col. 3, lines 48- 65, Col. 4, lines 1-12 and 52-56), the CPU is coupled to a means for wireless radio frequency communications such that the means and CPU communicate without using the PLC module bus (Col 5, lines 7-10, Fig. 4, Fig. 5 and Fig. 6).

18. Regarding claim 16, Holmes discloses an apparatus according to claim 15 wherein said means for wireless radio frequency communications comprises a Bluetooth protocol means (Col. 2, lines 7-16 and Col. 4, lines 14-25).

19. Regarding claim 17, Holmes discloses an apparatus according to claim 15 wherein said means for wireless radio frequency communications comprises an IEEE 802.11 means (Col. 4 lines 37-40).

20. Regarding claim 18, Holmes discloses an apparatus according to claim 15 wherein means for wireless radio frequency communications comprises a cellular protocol means (Col. 4, lines 41-44).

21. Regarding claim 19, Holmes discloses an apparatus according to claim 15 wherein said PLC comprises a Network Interface Unit (Col. 4, lines 65-67 and Col. 5, lines 1-13; The Bluetooth module and chipset would function as a network interface unit being used to control the wireless communication capabilities).

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22. Regarding claim 20, Holmes discloses an apparatus according to claim 15 wherein said CPU and said means for wireless radio frequency communications are mounted on a CPU card (Col. 4. lines 37-40; using a smart card, Col. 5, lines 2-13 and Fig. 1).

### ***Conclusion***

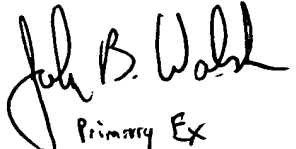
Any inquiry concerning this communication or earlier communications from the examiner should be directed to S. Miguel Taveras whose telephone number is (571) 270-1136.

The examiner can normally be reached on Monday-Friday from 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Susy Tsang-Foster can be reached on (571) 272-1293. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SMT

  
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